

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

LEVI WHITE	)	
	)	
Plaintiff,	)	Civil File Action No.
v.	)	1:14-cv-00242-JRH-BKE
	)	
CREDIT CONTROL SERVICES, INC.	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT’S ANSWER**

COMES NOW, Credit Control Services, Inc., Defendant in the above-referenced action (hereinafter “Defendant”), and files this Answer in response to the Plaintiff’s Complaint as follows:

**FIRST DEFENSE**

Plaintiff’s Complaint fails to state a claim against Defendant upon which relief may be granted.

**SECOND DEFENSE**

Plaintiff has not been damaged; therefore, Plaintiff may not recover against this Defendant.

**THIRD DEFENSE**

Plaintiff’s claims are or may be subject to an arbitration agreement requiring him to submit his claims to mandatory and binding arbitration. If so, Defendant

will exercise its right to arbitration under the agreement, which is specifically enforceable pursuant to the Federal Arbitration Act, 9 U.S.C. Section 1, *et. seq.*

#### **FOURTH DEFENSE**

Defendant had prior express consent to contact Plaintiff on his cellular telephone.

Subject to the foregoing defenses and without waiving same, Defendant responds to the individually numbered paragraphs of Plaintiff's complaint as follows:

#### **JURISDICTION**

1. Defendant admits this Court has subject matter jurisdiction over the Plaintiff's Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*
2. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2 of the Plaintiff's Complaint.

#### **PARTIES**

3. Defendant admits Plaintiff is Levi T. White and that he is a natural person.  
Defendant lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 3 of the Plaintiff's Complaint.
4. Defendant admits it maintain an office at 2 Wells Avenue Newton, MA 02459.  
Defendant admits in certain circumstances it may be considered a "debt collector." Defendant lacks knowledge or information sufficient to form a

belief as to the remaining allegations contained in Paragraph 4 of the Plaintiff's Complaint.

**VENUE**

5. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 5 of the Plaintiff's Complaint.
6. Defendant admits the allegations contained in Paragraph 6 of the Plaintiff's Complaint.
7. Defendant admits it placed telephone calls to 404-825-6604. Defendant admits 617-581-1051 is its telephone number used in the business of collecting unpaid accounts. Defendant denies the remaining allegations contained in Paragraph 7, including its subparts, of the Plaintiff's Complaint.
8. Defendant denies the allegations contained in Paragraph 8 of the Plaintiff's Complaint.
9. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 9 of the Plaintiff's Complaint.
10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 10 of the Plaintiff's Complaint.
11. Defendant denies the allegations contained in Paragraph 11 of the Plaintiff's Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Plaintiff's Complaint.

13. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13 of the Plaintiff's Complaint.

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**

**(TCPA) 47 U.S.C. § 227**

14. Defendant incorporates by reference the above paragraphs of this Answer as if fully stated therein.

15. Defendant admits Plaintiff attempts to assert claims under the TCPA.

Defendant denies it violated the TCPA.

16. Defendant denies the allegations contained in Paragraph 16 of the Plaintiff's Complaint.

17. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 17 of the Plaintiff's Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of the Plaintiff's Complaint.

19. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 19 of the Plaintiff's Complaint.

20. Defendant denies the allegations contained in Paragraph 20 of the Plaintiff's Complaint.

21. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 21 of the Plaintiff's Complaint.

22. Defendant denies the allegations contained in Paragraph 22 of the Plaintiff's Complaint.

23. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 23 of the Plaintiff's Complaint.

### **COUNT I**

#### **VIOLATIONS OF THE TCPA 47 U.S.C. § 227(B)(1)(A)(3)**

24. Defendant incorporates by reference the above paragraphs of this Answer as if fully stated therein.

25. Defendant denies the allegations contained in Paragraph 25 of the Plaintiff's Complaint.

26. Defendant denies all remaining allegations contained in Plaintiff's Complaint not specifically admitted herein.

WHEREFORE, Defendant prays that Defendant be dismissed with prejudice; that judgment be granted to Defendant and that the relief requested by Plaintiff be denied; that all costs be taxed to Plaintiff; and for such other and further relief as the Court deems just and proper.

Respectfully submitted this 6<sup>th</sup> day of January 2015.

**BEDARD LAW GROUP, P.C.**

/s/ Jonathan K. Aust  
Jonathan K. Aust  
Georgia Bar No. 448584  
John H. Bedard, Jr.  
Georgia Bar No. 043473

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_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed Defendant's Answer using the CM/ECF system and I deposited a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Levi T. White  
2225 Morningside Dr.  
Augusta, Georgia 30904

Respectfully submitted this 6<sup>th</sup> day of January 2015.

**BEDARD LAW GROUP, P.C.**

/s/ Jonathan K. Aust  
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Georgia Bar No. 448584  
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